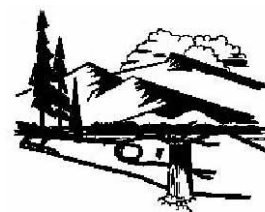




# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*



Mark Gordon, Governor

Todd Parfitt, Director

January 7, 2021

Mr. Carl Daly  
Acting Director  
Air and Radiation Division  
EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202

## Re: Initial Notification of Eagle Butte Mine June 13, 2020 PM<sub>10</sub> Exceptional Event

Dear Mr. Daly,

Attached is an initial notification of a high wind blowing dust exceptional event that occurred at the Eagle Butte Mine (EBM) PM<sub>10</sub> Rawhide monitoring station on June 13, 2020 that led to an exceedance of the 24-hour PM<sub>10</sub> NAAQS. The Wyoming Department of Environmental Quality – Air Quality Division (AQD) has evaluated the initial notification and circumstances surrounding this event and represents that it should be evaluated by Region 8 as a possible exceptional event. The exceedance covered by this initial notification is summarized in the table below.

Date	AQS ID	Monitor Name	Owner	24-Hour PM <sub>10</sub> Concentration (µg/m <sup>3</sup> )
06/13/2020	56-005-2901	Rawhide	Eagle Butte Mine	187.2

The AQD would like to request that the Administrator determine this possible event meets the provisions of 40 CFR 50.14 (a) (1) (F) as a regulatory determination made on a case by case basis. The AQD considers this event to be of regulatory significance because of the AQD's reliance on ambient data to determine compliance with the NAAQS at industrial facilities, the use of ambient data in AQD's permitting process, and third party interests. These reasons demonstrate the need to accurately portray anthropogenic versus non-anthropogenic or "exceptional" air quality issues to the public by means of excluding exceptional event concurred data from the data record.

In 1993 the AQD and EPA Region 8 signed a Memorandum of Agreement (MOA) to rely on ambient monitoring data at Powder River Basin coal mines to determine compliance with the 24-hour PM<sub>10</sub> NAAQS under the AQD's permitting process, rather than modeling potential 24-hour PM<sub>10</sub> impacts. In the decades since, the AQD has applied this same principal to other facilities across the state to demonstrate compliance with the 24-hour PM<sub>10</sub> NAAQS. The exceedance that the AQD is requesting Region 8 to review occurred at an industrial surface coal mine that has permit conditions requiring them to demonstrate compliance with the PM<sub>10</sub> NAAQS through the operation of a PM<sub>10</sub> monitoring network. The AQD reports these data to EPA Region 8 through EPA's AQS database. Because the effectiveness of the AQD's permitting and compliance programs are contingent on the lack of PM<sub>10</sub> NAAQS violations at required industrial monitoring stations, correctly reporting these data to EPA and AQS by placing exceptional event flags on these data is essential. The Region must take the appropriate steps to review and issue concurrence or non-concurrence on these data to accurately reflect the design value statistics in AQS and therefore accurately represent compliance with the NAAQS.

As mentioned above, the AQD relies on ambient industrial PM<sub>10</sub> data at facilities to determine compliance with the 24-hour NAAQS in the permitting process. It is critical that exceedances and violations of the NAAQS are properly characterized in the permit analysis as being anthropogenic or exceptional in nature. The AQD cannot issue a permit to a source that will cause or contribute to a violation of the NAAQS. For facilities that cannot model their potential permitting action, the AQD must rely on the ambient data record to prove compliance with the NAAQS. In order to rely on these monitoring data for permitting actions, exceptional events must be properly characterized in the data record and must be documented to EPA per 40 CFR 50.14.

It is also the AQD's stance that any exceedance caused by an exceptional event is significant and that it is important to demonstrate to the public the difference between exceedances that are anthropogenic versus those that are non-anthropogenic or exceptional in nature. Properly characterizing these exceedances in the public record and providing scientific evidence supporting the claim of exceptionality is essential to our shared role of serving the public. These data are used by the public, researchers, and other agencies to make scientific, public health, and policy decisions. These data must be properly flagged and concurred with in the EPA's AQS in order for those data to be handled correctly and reflect the monitor design values. Without the critical step of determining concurrence, data is often misused by these entities to support decisions.

Due to the above mentioned factors, the AQD considers this exceedance to meet the criteria of regulatory significance and requests that the Administrator make a determination under 40 CFR 50.14 (a) (1) (F) that the EPA will agree to review an exceptional event demonstration for this event.

Please contact Cara Keslar, Monitoring Section Supervisor, with questions at 307-777-8684.

Sincerely,



Darla J. Potter  
Air Quality Resource Program Manager  
Air Quality Division

Cc: Cara Keslar, AQD  
Mark Thrall, Eagle Butte Mine

## EE Initial Notification Summary Information

## PM<sub>10</sub> Exceedance

Submitting Agency: State of Wyoming – Air Quality Division

Agency Contact: Cara Keslar

Date Submitted:

Applicable NAAQS: 1987 PM<sub>10</sub> 24-hr precision PM<sub>10</sub> monitoring - 150µg /m<sup>3</sup> Limit

Affected Regulatory Decision<sup>1</sup>: (AQD will fill this section out per 50.14, option F)

(for classification decisions, specify level of the classification with/without EE concurrence)

Area Name/Designation Status: Attainment/Unclassifiable

Design Value Period (list three year period): 2<sup>nd</sup> Quarter 2015 to 2<sup>nd</sup> quarter 2018

(where there are multiple relevant design value periods, summarize separately)

### A) Information specific to each flagged monitor day that may be submitted to EPA in support of the affected regulatory decision listed above

Date of Event	Type of Event (high wind, volcano, wildfires/prescribed fire, other <sup>2</sup> )	AQS Flag	Monitor AQS ID (and POC)	Monitor Name	Exceedance Concentration (with units)	Notes (e.g. event name, links to other events)
June 13, 2020	High Wind	RJ	56-005-2901	Eagle Butte Rawhide Site TEOM	187.2 µg /m <sup>3</sup>	Rawhide Site High Wind Dust Exceptional Event Demonstration: June 13, 2020, not yet submitted

### B) Violating Monitors Information

(listing of all violating monitors in the planning area, regardless of operating agency, and regardless of whether or not they are impacted by EEs)

Monitor (AQS ID and POC)	Design Value ( <u>without</u> EPA concurrence on any of the events listed in table A above)	Design Value ( <u>with</u> EPA concurrence on all events listed in table A above)
Eagle Butte Rawhide Site TEOM 56-005-2901	0.3	0.0

<sup>1</sup> designation, classification, attainment determination, attainment date extension, or finding of SIP inadequacy leading to SIP call

<sup>2</sup> Provide additional information for types of event described as "other"

### C) Summary of Maximum Design Value (DV) Monitor Information (Effect of EPA Concurrence on Maximum Design Value Monitor Determination)

(Two highest values from Table B)

Maximum DV monitor (AQS ID and POC) <u>without</u> EPA concurrence on any of the events listed in table A above	Design Value 0.3	Design Value Monitor Eagle Butte Rawhide Site TEOM 56-005-2901	Comment
Maximum DV monitor (AQS ID and POC) <u>with</u> EPA concurrence on all events listed in table A above	Design Value 0.0	Design Value Monitor Eagle Butte Rawhide Site TEOM 56-005-2901	Comment

### D) List of any monitors (AQS ID and POC) within planning area with invalid design values (e.g. due to data incompleteness)

